

REMARKS

Reconsideration and allowance are respectfully requested. Claims 2 and 7 have been amended. Claims 1-15 remain pending.

The allowance of claims 12-15 is noted with thanks.

The Examiner rejected claims 1-11 under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The Examiner contends that "the method as claimed is incomplete since it is not clear what follows the step of generating the packet signature." It is the Applicants understanding that the Examiner is requiring a comparing step to be added to claim 1, after the step of generating the packet signature. Applicants submit, however, that claim 1 is a complete method claim, since an aspect of the invention is to generate a packet signature. For example, the specification at page 2, under "SUMMARY OF THE INVENTION" recites:

One aspect of the present invention provides a method in a network switch. The method includes receiving a data packet on one of a plurality of network switch ports, and generating a packet signature of the received data packet by hashing selected portions of the received data packet based on prescribed hash action values of a user-programmable template. Generation of the packet signature by hashing selected portions of the received data packet based on prescribed hash action values of a user-programmable template enables flow-specific packet signatures to be generated and stored, enabling flow-based identification of data frames at wire speed, based on any user-selectable portion of the data frame.

Furthermore, at page 7 of the specification, the first complete paragraph recites:

According to the disclosed embodiment, user programmable templates can be efficiently generated to classify packets based on any field contained within the packet. Hence, packet signatures for any type of data flow can be stored and processed the wire speed, enabling flow based identification within each network switch port at the wire rate. Moreover, the packet signature generated for a received data packet can be simultaneously compared with any number of stored packet signatures to determine a match, merely by increasing the number of comparators.

Thus, the specification makes it clear that an aspect of the invention is generating packet signatures. Certain steps can be performed on the packet signature once it is generated, but these steps are not critical to the invention. For example, claim 8 recites storing the packet signature, and claim 7 recites comparing the packet signature to stored packet signatures. Nowhere in the specification does it state that step 68 of FIG. 4 is essential for practicing the invention. FIG. 4 is merely a preferred embodiment of a method of the invention. Features which are merely preferred are not considered to be critical. In re Goffe, 542 F.2d 564, 567, 191 USPQ 429, 431 (CCPA 1976). The Examiner is also directed to MPEP 2164.08(c) which states that "an enabling rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended." Applicants submit that nowhere does the specification indicate that a comparing step (or any other step) following the "generating step" is critical to the function of the invention.

Furthermore, it is noted that MPEP 2172.01 cited by the Examiner relates to a rejection under 35 U.S.C. 112, first paragraph. Such a rejection has not been made and thus the argument of the Examiner citing the MPEP is moot. For these reasons, the rejection of claims 1-11 is improper and should be withdrawn.

Claim 2 has been amended to correct a spelling error. Claim 7 has been amended to properly depend from claim 1. In no way has any claim been amended to distinguish from the prior art of record.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

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To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-321, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Stemberger", written in dark ink.

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